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REMARKS

The Office Action states that the Information Disclosure Statement submitted by the Applicant will be considered and mailed in the next Office Action. This action will be appreciated. The Applicant notes that all the references listed in the Information Disclosure Statement are also listed in the Notice of References Cited mailed with the Office Action.

Claims 1-18 were objected to because of an informality relating to the term "arm" in claims 2, 6, 10 and 14. The Applicant used the term "an" in front of the term "arm" in these claims because it was in these claims that the arm was first positively recited as a claimed element. However, by this response claims 2, 6, 10, 14 and 18 are amended in the manner required in the Office Action. Withdrawal of the objection is therefore requested.

Claims 1-2, 4-6, 8-10, 12-14 and 16-18 were rejected under 35 USC § 103(a) as being unpatentable over the Wang et al. U.S. patent application publication 2002/0145830. The Wang publication discloses a base plate including a boss tower for swaging a head suspension to an arm having a thickness and a neutral axis. The boss tower has an outer diameter high point that is located somewhere in relation to the neutral axis when swaged to an arm. The Office Action concedes that the Wang publication does not disclose the claimed location of the outer diameter high point with respect to the arm neutral axis (i.e., within 2%, 4% or 6% of the arm thickness). However, the position was taken that it would have been obvious to indicate these percentages. The stated rationale is that one of ordinary skill would have been motivated to indicate the percentages set forth in the Wang publication to be exactly those recited in the claims through obvious engineer lab routine optimization and experimentation. The Applicant respectfully disagrees with this position.

It is settled law that patentability is not negated by the manner in which the invention was made. 35 USC § 103. Furthermore, the claimed invention is not fairly characterized as routine optimization and experimentation. The Wang publication does not even recognize the problem addressed by the claimed invention -- problems including z-height variations and gram changes caused by deformation of the *actuator arm* during swaging. Instead, the structure shown in the Wang publication is directed to overcoming problems associated with deformation of the *base plate*. The solution offered in the Wang

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publication involves notches in the flange of the base plate. This publication provides no suggestion that the location of the base plate boss tower with respect to the arm neutral axis can alleviate problems associated with swaging-related actuator arm deformation.

Since the Wang publication does not even recognize the problems addressed by the invention, it certainly does not provide motivation for the claimed solution. The rationale asserted in the Office Action is based on impermissible hindsight. Withdrawal of the § 103 rejection is requested for these reasons.

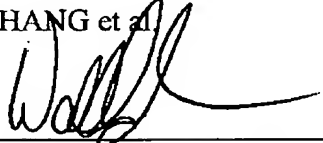
The indication of allowable subject matter in claims 3, 7, 11 and 15 is acknowledged and appreciated. For the reasons set forth above, however, these claims are allowable as presented.

In conclusion, all claims 1-18 are in condition for allowance. Notice to that effect is respectfully requested.

Respectfully Submitted,

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